

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ISAAC GORDON, individually and
on behalf of all those similarly
situated,

Plaintiff,

v.

ROBINHOOD FINANCIAL LLC, a
Delaware limited liability company,

Defendant.

NO. 2:19-CV-0390-TOR

ORDER DENYING ROBINHOOD
FINANCIAL LLC'S MOTION FOR
RECONSIDERATION

BEFORE THE COURT is Defendant Robinhood Financial LLC's Motion for Reconsideration. ECF No. 37. The Court has determined that this matter would be submitted for consideration without oral argument. The Court has reviewed the record and files herein, and is fully informed. For the reasons discussed below, the Motion for Reconsideration is denied.

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DISCUSSION

A. Reconsideration Standard

Motions for reconsideration are generally disfavored. “Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *United Nat. Ins. Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th Cir. 2009). “There may also be other, highly unusual, circumstances warranting reconsideration.” *Sch. Dist. No. 1J*, 5 F.3d at 1263.

B. Denial of Motion for Order of Dismissal

In denying Defendant’s Motion to Dismiss, the Court reasoned that “Plaintiff’s statement of facts in the First Amended Complaint provided a series of allegations, redundantly and alternatively alleging that Defendant formulated the processes and procedures of the RAF program by which it either initiated or substantially assisted in the transmission of its commercial messages to its customers (subscribers) or “third party intermediaries,” and for which it encouraged its customers to forward to others through the promise of remuneration in the form of free stock.” ECF No. 36 at 6. The Court held that “[i]n essence, Plaintiff alleges that Defendant paid its customers to distribute its commercial

1 message to friends and family using the electronic mail message system, and this is
2 alleged to have violated CEMA and consequently be a violation of the CPA.” *Id.*
3 The Court concluded that “[a]t this stage of the proceeding, Plaintiff alleges
4 sufficient factual matter, accepted as true, to state a claim to relief that is plausible
5 on its face.” *Id.* at 7 (quotations and citation omitted.

6 Defendant’s motion for reconsideration quibbles with the definitions of
7 “initiate” and “assist the transmission” by citing to a whole host of unpublished
8 opinions that are not binding precedent. Even if they were persuasive precedent,
9 their fact patterns do not match Plaintiff’s allegations, which are accepted as true at
10 this stage of the proceeding.

11 The Court finds no basis for reconsideration of its determination that
12 Plaintiff has stated a claim for relief that is plausible on its face.


13 **ACCORDINGLY, IT IS HEREBY ORDERED:**

14 Defendant’s Motion for Reconsideration, ECF No. 37, is **DENIED**.

15 The District Court Executive is directed to enter this Order and furnish
16 copies to counsel.

17 **DATED** July 7, 2020.




THOMAS O. RICE
Chief United States District Judge